

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

EDWIN L. WALKER, JR.

PLAINTIFF

v.

No. 3:11CV140-B-V

PEGGY PIGEON JESSE STREETER THOMAS TOWNSEND, ET AL. DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated June 25, 2012, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated June 25, 2012, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the plaintiff's claims against defendants Epps, Streeter, and Pigeon are **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted.

3. That the case will proceed as to the plaintiff's sole remaining claim (that defendant Thomas Townsend used excessive force against him) will proceed.

THIS, the 30th day of January, 2013.

/s/ Neal B. Biggers
NEAL B. BIGGERS
SENIOR U. S. DISTRICT JUDGE